

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

GEORGE ANIBOWEI,

Plaintiff,

v.

KIRSTJEN M. NIELSEN, U.S. Secretary of Homeland Security, in her official capacity; KEVIN K. MCALEENAN, Commissioner of U.S. Customs and Border Protection, in his official capacity; RONALD D. VITIELLO, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity; DAVID P. PEKOSKE, Administrator of the Transportation Security Administration, in his official capacity; WILLIAM P. BARR, Attorney General of the United States, in his official capacity; U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. CUSTOMS AND BORDER PROTECTION; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; TRANSPORTATION SECURITY ADMINISTRATION,

Defendants.

Case No. 3:16-cv-03495-D

**[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION**

This matter comes before the Court on Plaintiff's Motion for Partial Summary Judgment or, in the Alternative, for a Preliminary Injunction. Having reviewed the papers filed in support of and in opposition to this motion and, in accordance with Federal Rule of Civil Procedure 65, the Court finds that Plaintiff has satisfied the four requirements for issuance of a preliminary injunction, as set forth in *Texans for Free Enterprise v. Tex. Ethics Comm'n*, 732 F.3d 535, 537 (5th Cir. 2013). Plaintiff has shown a substantial likelihood of success on the merits of his claim that Defendants' policies and practices violate the First and Fourth Amendments. He suffers a substantial threat of irreparable injury if an injunction does not issue. The threatened injury

outweighs any harm that will result if the injunction is granted. And the grant of an injunction will serve the public interest. It is therefore **ORDERED** that:

1. Defendants are ENJOINED to expunge all information gathered from, or copies made of, the contents of Plaintiff's electronic devices, and to certify the expungement by notice to the Court.

2. Defendants are RESTRAINED AND ENJOINED from searching or seizing Plaintiff's electronic devices or communications absent a warrant supported by probable cause that the devices contain evidence of a violation of criminal, immigration, or customs laws, and without particularly describing the information to be searched.

This preliminary injunction shall take effect immediately and shall remain in effect pending further order of the Court.

Plaintiffs are not required to post a bond. The Court finds that security is not required under the circumstances of this case.

SO ORDERED.

DATED this _____ day of _____, 2019, at _____ a.m./p.m.

Hon. Sidney A. Fitzwater
United States District Judge